

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDAMERICA, INC.,) Case No. 07-02292 JCS
Plaintiff,) STIPULATION RE-SETTING
v.) SETTLEMENT CONFERENCE DATE,
TOTAL MED AMERICA, LLC.,) AND RELATED PRE-CONFERENCE
Defendant.) FILING DEADLINES; AND
[PROPOSED] ORDER THEREON

1. Pursuant to an order dated September 19, 2007, Magistrate Judge Chen has scheduled the following deadlines and events in this case: (1) Settlement Conference statements must be lodged with Judge Chen's chambers by November 1, 2007; and (2) the Settlement Conference is scheduled for November 15, 2007 at 9:30 a.m.

The parties will be unable to meet these deadlines due to the Southern California wildfires, which forced Plaintiff's counsel from his home, which in turn has prevented the parties from conducting necessary discovery. For the reasons set forth below the parties stipulate to postpone the deadlines set forth above to the following new dates: (1) Settlement Conference

1 statements must be lodged with Judge Chen's chambers by
2 Thursday, January 17, 2008; and (2) the Settlement Conference
3 will be rescheduled to Thursday, January 31, 2008 at 9:30 a.m.

4 2. Magistrate Judge Chen's September 19, 2007 Order
5 allows the parties to conduct "whatever discovery is needed for
6 all sides to evaluate the case for settlement purposes," and
7 also requires the parties to complete such discovery "by the
8 date of the [November 15] settlement conference." The parties
9 have cooperated in conducting the necessary pre-settlement
10 discovery, and scheduled Plaintiff's deposition to take place on
11 October 24, 2007. Plaintiff also agreed to provide documents
12 requested by Defendant on or before the deposition.

13 3. The day before the deposition, Plaintiff's counsel
14 advised Defendant's counsel that he had been evacuated from his
15 home due to the Southern California wildfires. Due to the
16 hardships caused by the evacuation, Plaintiff's counsel was
17 unable to attend the deposition, and was also unable to produce
18 the requested documents. The parties hope to reschedule the
19 deposition before the end of October, but have not yet been able
20 to set a date.


21 4. The parties anticipate that the proposed schedule will
22 allow them to produce any discovery documents, reschedule the
23 deposition, and submit Settlement Conference statements in a
24 timely fashion. The parties submit that the proposed new dates
25 are reasonable, and will not prolong the settlement process any
26 longer than necessary.

27 5. Therefore, the parties, by their counsel, stipulate to
28 the following revised case management schedule:

(1) Settlement Conference statements must be lodged with Judge Chen's chambers by Thursday, January 17, 2008; and (2) the Settlement Conference will be rescheduled to Thursday, January 31, 2008 at 9:30 a.m., at Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: November 5, 2007


Darl R. Danford
Counsel for Plaintiff

s/Roger James Eliassen
Roger James Eliassen
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 5, 2007

EDWARD M. CHEN
UNITED STATES JUDGE

